**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**
(Special Original Jurisdiction)

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 11256 of 2004**

Between:

Habeeb Saleh, S/o. Habeeb Ali, aged 44 years,
Driver E.206803 of A.P.S.R.T.C. Falaknuma Depot, Hyderabad,
R/o. 18-9-365, Chandrayan Gutta, Hyderabad.

**..... PETITIONER**

AND

Depot Manager, A.P.S.R.T.C. Falaknuma Depot,
Hyderabad.

**.....RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction particularly one in the nature of Writ of Mandamus declaring the action of the respondent in issuing final order No.E2/1(86)/2003-F.M. Dated 7-6-2004 for deferment of annual increment for a period of 18 months without cumulative effect of future increment, without conducting enquiry, without showing the dates of (17) Seventeen days absentisans in charge-sheet, during the period from 13-01-2003 to 12-06-2003, and without issuing show-cause notice of deferment of annual increments, without providing opportunity to defend the case, is as illegal, unjust, contrary to law and in violation of principles of natural justice by granting all consequential benefits and set-aside the final order No.E2/1(86)/2003-F.M. Dated 7-6-2004 of deferment of annual increments for a period of 18 months.

Counsel for the Petitioner : MR.MOHD.GHOUSEUDDIN, Advocate

Counsel for the Respondent : MR. K.HARINATH (SC for APSRTC)

The Court at the stage of admission made the following :

ORDER:

For unauthorized absence of the petitioner from 13.01.2003 to 12.06.2003, a charge sheet dated 28.06.2003 was issued to him calling for his explanation. The petitioner submitted his explanation. Having not satisfied with the explanation, the impugned proceedings have been passed deferring the annual increment for a period of 18 months without cumulative effect on future increments.

Admittedly a statutory appeal is provided for against the order of the Depot Manager, dated 07.06.2004. It is not a case of violation of principles of natural justice. The penalty imposed is a minor penalty. Therefore, the Authorities concerned can impose the minor penalty as per regulations, without conducting any enquiry. Even according to the petitioner he was absent for about seventeen (17) days without prior sanctioning of leave. For which, he may be having a valid excuse, as he was hospitalized during that period but that has not been considered by the appellate-authority.

Therefore, the writ petition is disposed of, directing the petitioner to file an appeal before the Authority concerned and the Appellate-authority has to pass appropriate orders within one month from the date of filing of such an appeal. In the circumstances of the case, no costs.

_____

K.C. BHANU, J

05th July, 2004.

YS

To

1. The Depot Manager, A.P.S.R.T.C. Falaknuma Depot, Hyderabad.
2. Two CD copies.